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COMMISSION ON HUMAN RIGHTS

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Forty-fifth session
Agenda item 14

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the International Organization of Indigenous Peoples, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 August 1993]

GE.93-14624 (E)

I. STANDARD-SETTING ACTIVITIES

1. As you know, we have been very involved with a Declaration of Principles, even before the establishment of the Working Group, since 1977. With your work, we have progressed to a draft declaration on indigenous rights. We are concerned that there is still a debate on the right of self-determination for indigenous peoples as "peoples". We are, however, very encouraged that Mrs. Daes, in her address to the World Conference on Human Rights at Vienna (18 June 1993), and Mr. Alfonso Martínez, in his participation at the Ottawa satellite conference (1-2 April 1993), have gone on public record as supporting our recognition as "peoples" in the international legal sense. We would request this be reflected in the draft declaration.

2. Pursuant to the First Peoples Summit, convened as a United Nations satellite conference at Guatemala (27 May 1993), by Ms. Rigoberta Menchú, with its resulting resolutions, and pursuant to paragraph 28 of part II B of the Declaration and Programme of Action adopted by the World Conference on Human Rights at Vienna, wherein the Working Group was called on "to complete the drafting of a declaration ... at its eleventh session", we urge you to pass the declaration then work with the Technical Committee on finalization this year. It will be a highlight of the International Year of the World's Indigenous People and an important first step toward successful involvement by indigenous peoples at an international forum. We refer you again to our Tribal Summit report of last year wherein detailed study and recommendations were presented by our members.

II. PROGRESS REPORT OF THE SPECIAL RAPPORTEUR ON TREATIES

3. You will recall, we were very critical of the preliminary report. Having studied the first progress report (E/CN.4/Sub.2/1992/32), we now appreciate the tremendous scope and workload of the Special Rapporteur and thank him for his work to-date. We would briefly restate the Four Nations's principles that were presented previously. (July 1992): (i) the principle of Indian consent; (ii) the international status of treaties, in particular Treaty No. 6; (iii) the Indian understanding and interpretation. (We commend to you the intervention of Mr. Nelson on the spiritual and unwritten aspects of the Indian understanding of treaties. The information he shared on the sacred pipe and the ceremonial aspect of the agreements are essential to the study); (iv) the Nation-to-Nation relationship of Treaty 6 as evidence of self-determination.

4. We are concerned that at the First Peoples Summit in Guatemala, there was communicated information that the study may be cancelled due to lack of indigenous participation. As some aspects of our history is oral tradition, not everything can be written down in response to a questionnaire; we nevertheless urge Mr. Alfonso Martínez to continue his important work. We consider this report as important as the draft declaration and call again on the appropriate authorities to give the Special Rapporteur full resources to complete his study.

III. INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLE

5. The First Peoples Summit and the Vienna World Conference with its preparatory meetings all agreed that the International Year was a good introduction to the issues and concerns of indigenous peoples. What is required, however, is a decade for indigenous peoples. As you know, there is much work to be done and we would commend to your study the Decade Action Plan that was passed in Guatemala.

IV. REVIEW OF THE WORLD CONFERENCE ON HUMAN RIGHTS

6. At the outset, we thank Canada for making it possible for indigenous representatives to attend the World Conference as part of the Canadian delegation. This was an important precedent. Nevertheless, there are some outstanding concerns and we wish to highlight briefly five aspects of the Vienna Declaration.

7. We are disappointed that the appropriate references could not be amended to "peoples"; also, that there is no specific reference to "political" rights, since the theme of the World Conference was the inclusiveness of all rights for all peoples. Also, we want to draw your attention to paragraph 28 of part II where "The World Conference calls on the Working Group ... to complete the drafting of a declaration ... at its eleventh session". This was as a result of meetings leading up to the World Conference and one we agree with.

8. With reference to part I, paragraph 2, of the Vienna Declaration ("The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right."), this is our view and we agree that any continued denial by refusal to recognize us as "peoples" falls within such violation. Your tremendous speech to the World Conference and the participation of your colleague, Mr. Alfonso Martínez, as previously stated, are important. We thank you for your support. The right of self-determination of indigenous peoples is very fundamental to our future.

9. The World Conference calls for an international decade of the world's indigenous people (part II, para. 32) and for the establishment of a permanent forum (agenda item 10). Again, we simply refer you to the 10-year Plan of Action of the Guatemala First Peoples Summit.

10. With regard to paragraph 44 of part II ("The World Conference welcomes the World Conference on Women to be held in Beijing in 1995 and urges the human rights of women should play an important role ..."), we refer to resolution 4 of the first Peoples Summit: "that the International Conference to be held in Beijing, China include the participation, perspectives and problems of Indigenous Women".

11. We agree with the World Conference stressing "the importance of strengthening the United Nation's Centre for Human Rights" (para. 13 of part II), especially that it "should be assured adequate means ..." (para. 15 of part II). More specifically, in paragraph 30 of part II, "The World Conference further recommends that adequate human and financial resources be

made available to the Centre for Human Rights ...". We trust you will relay these to the Sub-Commission and Commission on Human Rights and stress the follow up. As you will agree, this was another tremendous step for indigenous peoples in securing a better future.

V. FUTURE ROLE OF THE WORKING GROUP

12. We proposed again an independent forum at the United Nations during the experts meeting at Nuuk, Greenland. We are now informed there are 12 different proposals and support for a future for the Working Group. We agree, on its essential importance for indigenous peoples and suggest you convene all those interested for continued discussion with a view to coming up with one acceptable proposal that would secure a new mandate and an ongoing forum at the United Nations.